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Forty-sixth session

REPORT OF THE TRADE AND DEVELOPMENT BOARD

First part of its thirty-eighth session*

(23 September to 4 October 1991)

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* The report of the Trade and Development Board on the second part of its thirty-seventh session was issued as Official Records of the General Assembly, Forty-sixth Session, Supplement No. 15 (A/46/15), vol. I. The present document is a mimeographed version of the report of the Board on the first part of its thirty-eighth session. It will be issued subsequently as Official Records of the General Assembly, Forty-sixth Session, Supplement No. 15 (A/46/15), vol. II.

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I. INTRODUCTION

1. The present report to the General Assembly has been prepared in accordance with the guidelines adopted by the Trade and Development Board in the annex to its decision 302 (XXIX) of 21 September 1984. 1/

2. The first part of the thirty-eighth session of the Board was held at the Palais des Nations, Geneva, from 23 September to 4 October 1991 (789th to 797th meetings) and, in the absence of Mr. Emilio Artacho Castellano (Spain), President of the Board at its thirty-seventh session, was opened by Mr. J. F. Boddens-Hosang (Netherlands), one of the Vice-Presidents at the thirty-seventh session.

A. Agenda

3. The agenda for the session is reproduced in annex I.

B. Election of officers

(Agenda item 1 (a))

4. At its 789th (opening) meeting, on 23 September 1991, the Board elected as President of its thirty-eighth session, by acclamation, Mr. Thomas Ogada (Kenya), who, in accordance with the provisions of Board decision 338 (XXXIII), had been designated by the Board at the second part of its thirty-seventh session.

5. At the same meeting, the Board elected the following other members of its Bureau:

Vice-Presidents:

Mr. Morris B. Abram (United States of America)
Mr. Petr Bambas (Czechoslovakia)
Mr. Lloyd M. H. Barnett (Jamaica)
Mr. Johan Frederik Boddens-Hosang (Netherlands)
Ms. Taous Feroukhi (Algeria)
Mr. Giulio di Lorenzo Badia (Italy)
Mr. Jamtono Rahardjo (Indonesia)
Mr. Fawaz Sharaf (Jordan)
Mr. T. V. Teodorovich (Union of Soviet Socialist Republics)
Mr. Arnold Willen (Sweden)

Rapporteur:

Mr. Iñigo Salvador-Crespo (Ecuador)

C. Membership and attendance 2/

6. The following States members of the United Nations Conference on Trade and Development (UNCTAD), members of the Board, were represented at the session:

Afghanistan
Algeria
Argentina
Australia
Austria
Bahrain
Bangladesh
Belarus
Belgium
Bhutan
Bolivia
Brazil
Bulgaria
Burundi
Canada
Chile
China
Colombia
Congo
Costa Rica
Côte d'Ivoire
Cuba
Czechoslovakia
Democratic People's Republic of Korea
Denmark
Dominican Republic
Ecuador
Egypt
El Salvador
Ethiopia
Finland
France
Gabon
Germany
Ghana
Greece
Hungary
India
Indonesia
Iran (Islamic Republic of)
Ireland
Israel
Italy
Jamaica
Japan
Jordan
Kenya
Kuwait
Lebanon
Liberia
Libyan Arab Jamahiriya
Madagascar
Malaysia
Malta
Mexico
Mongolia
Morocco
Myanmar
Namibia
Nepal
Netherlands
New Zealand
Nicaragua
Nigeria
Norway
Oman
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Republic of Korea
Romania
Saudi Arabia
Senegal
Singapore
Somalia
Spain
Sri Lanka
Sudan
Sweden
Switzerland
Syrian Arab Republic
Thailand
Trinidad and Tobago
Tunisia
Turkey
Uganda
Ukraine
Union of Soviet Socialist Republics
United Arab Emirates
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
United States of America
Uruguay
Venezuela
Viet Nam
Yemen
Yugoslavia
Zaire
Zimbabwe

7. The following States members of UNCTAD, not members of the Board, were represented at the session: Dominica; Holy See.

8. Palestine participated pursuant to General Assembly resolution 3237 (XXIX) of 22 November 1974. The Pan Africanist Congress of Azania participated pursuant to General Assembly resolution 3280 (XXIX) of 10 December 1974.

9. The Economic Commission for Africa was represented at the session. The International Trade Centre UNCTAD/GATT was also represented at the session.

10. The following specialized agencies were represented at the session: Food and Agriculture Organization of the United Nations (FAO); World Bank; International Monetary Fund (IMF); World Intellectual Property Organization (WIPO); United Nations Industrial Development Organization (UNIDO). The General Agreement on Tariffs and Trade (GATT) was also represented at the session.

11. The following intergovernmental organizations were represented at the session: Joint Assembly of the African, Caribbean and Pacific States, and the European Community; African, Caribbean and Pacific Group of States; European Community (EEC); International Organization for Migration; Latin American Economic System (SELA); League of Arab States (LAS); Organisation for Economic Cooperation and Development (OECD); Organization of African Unity (OAU); and Permanent Secretariat of the General Treaty on Central American Economic Integration.

12. The following non-governmental organizations were represented at the session:

(a) General category: International Chamber of Commerce; International Confederation of Free Trade Unions; World Assembly of Small and Medium Enterprises; World Federation of United Nations Associations;

(b) Special category: International Air Transport Association.

D. Resolutions and decisions requiring the attention of, or action by, the General Assembly

13. The attention of the General Assembly is drawn to the following resolutions and decisions, the texts of which are contained in section II below: 3/

A. Resolutions

393 (XXXVIII). The contribution of the United Nations Conference on Trade and Development, within its mandate, to sustainable development

394 (XXXVIII). Economic cooperation among developing countries and problems of trade and trade financing

396 (XXXVIII). Debt and development problems of developing countries

B. Decisions

395 (XXXVIII). Export promotion: report of the Joint Advisory Group on the International Trade Centre UNCTAD/GATT on its twenty-fourth session

397 (XXXVIII). Review of the calendar of meetings

14. The attention of the General Assembly is also drawn in particular to the recommendation made by the Board under "Other business" (agenda item 10) on the convening of a United Nations/IMO Conference of Plenipotentiaries on a draft convention on maritime liens and mortgages. (See sect. II, C.13.)

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE TRADE AND DEVELOPMENT BOARD AT THE FIRST PART OF ITS THIRTY-EIGHTH SESSION

A. Resolutions

393 (XXXVIII). The contribution of the United Nations Conference on Trade and Development, within its mandate, to sustainable development*

The Trade and Development Board,

Recalling General Assembly resolutions 44/228, 45/203, 45/210 and 45/211,

Recalling its decision 384 (XXXVII),

Reaffirming the importance of an integrated perspective of both environment and development, in order to tackle successfully the root causes of poverty and environmental degradation and achieve the objective of sustainable development in all countries,

Recalling that sustainable development constitutes an important cross-sectoral issue on the agenda of the eighth session of the United Nations Conference on Trade and Development, within the overall context of promoting accelerated development, and reconfirming that sustainable development gives an additional dimension to the central issue of interdependence in the work of the United Nations Conference on Trade and Development, as well as a further rationale for international cooperation, including development cooperation,

Welcoming the collaboration between the United Nations Conference on Environment and Development and the United Nations Conference on Trade and Development, and noting the report of the Secretary-General of the United Nations Conference on Trade and Development on "Environment and international trade" 4/ to the third session of the Preparatory Committee for the United Nations Conference on Environment and Development,

Welcoming the decision adopted by the Committee on Commodities at its fourteenth session regarding sustainable development (agreed conclusions 26 (XIV), section D),

1. Notes with satisfaction that the concept of sustainable development is increasingly being integrated into the ongoing work of the secretariat of the United Nations Conference on Trade and Development, and encourages the Secretary-General of the United Nations Conference on Trade and Development to pursue this process, ensuring that this work contributes to innovative thinking and increased awareness in the area of environmental development economics;

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* For the statement of position made by the delegation of the United States of America on this resolution, see section III.A below.

2. Urges the intergovernmental bodies of the United Nations Conference on Trade and Development to continue to incorporate the objective of sustainable development into their work and to give consideration to activities in relation to sustainable development in the context of their work programmes, in accordance with Board decision 384 (XXXVII); and in this regard stresses the importance of the contribution of the United Nations Conference on Trade and Development, within its mandate, to the preparatory process of the United Nations Conference on Environment and Development and to the follow-up to this Conference;

3. Considers that the interim report by the secretariat of the United Nations Conference on Trade and Development, "Policies and mechanisms for achieving sustainable development", 5/ constitutes a useful analysis, as it illustrates its applicability in developed and developing countries and underlines that solutions to environmental as well as developmental problems have also to be sought across sectoral boundaries;

4. Requests the Secretary-General of the United Nations Conference on Trade and Development to complete the analysis called for in paragraph 5 of decision 384 (XXXVII), and to provide the full report for the first part of the thirty-ninth session of the Board;

5. Requests the Secretary-General of the United Nations Conference on Trade and Development to take all necessary steps to ensure the prompt implementation of paragraph 6 of Board decision 384 (XXXVII) as affirmed by General Assembly resolution 45/210, and to disseminate information from the Trade Control Measures Information System and any analysis thereof, when appropriate;

6. Requests the Secretary-General of the United Nations Conference on Trade and Development, as a follow-up to the report on "Environment and international trade", to study the impact on trade, in particular that of developing countries, of environmental measures taken nationally or internationally;

7. Agrees that transfer and development of environmentally sound technologies is an essential component of a successful strategy for sustainable development, requests the Secretary-General of the United Nations Conference on Trade and Development to continue the identification of areas in which the application of environmentally sound technologies can have a positive impact on the competitiveness and development of developing countries, as well as to study the prerequisites of infrastructure in developing countries for the development of their own technology and to enable them to make informed choices about technologies appropriate to their specific needs and conditions, and also requests the Secretary-General of the Conference to suggest effective modalities to support the efforts of developing countries in respect of access to, transfer of, creation and development of environmentally sound technologies, taking into account what is being done by the United Nations Conference on Environment and Development in this area;

8. Requests the Secretary-General of the United Nations Conference on Trade and Development to provide, within the mandate of the United Nations Conference on Trade and Development, technical assistance to developing

countries, in particular the least developed among them, in cooperation with other relevant forums, on developmental aspects in relation to ongoing deliberations on environmental issues; and invites international development agencies, such as the United Nations Development Programme, and donor countries in a position to do so, to provide voluntary extrabudgetary resources to the United Nations Conference on Trade and Development for this purpose;

9. Emphasizes that, in undertaking the activities mentioned above, the interests of the least developed countries should be given special consideration.

797th meeting
4 October 1991

394 (XXXVIII). Economic cooperation among developing countries and problems of trade and trade financing

The Trade and Development Board,

Recalling Committee on Economic Cooperation among Developing Countries resolution 4 (V), which, inter alia, called for assessing the feasibility of establishing an interregional trade finance facility, and Board resolution 385 (XXXVII) which, inter alia, called for a study on impediments and disincentives which adversely affect the expansion of trade among developing countries,

Aware that while the implementation and strengthening of economic cooperation among developing countries is primarily the responsibility of developing countries, the support and participation, as appropriate, of the other members of the international community, in particular developed countries and the appropriate international and multilateral organizations, plays a significant role in the success of economic cooperation among developing countries,

1. Reiterates the need for continued and intensified support by the secretariat of the United Nations Conference on Trade and Development to economic cooperation among developing countries in conformity with General Assembly resolution 39/216 of 18 December 1984 and the relevant Conference resolutions so as to contribute to the development of the developing countries and their gradual integration in the world economy;

2. Recognizes that the availability of, and accessibility to, trade finance by the developing countries on appropriate terms and conditions from all sources as well as all other aspects of trade facilitation, including the elimination of impediments to trade, are important for trade expansion in this context;

3. Commends the efforts of the secretariat of the United Nations Conference on Trade and Development and the experts convened by the Secretary-General of the United Nations Conference on Trade and Development for the study on the problem of trade financing and an interregional trade finance facility;

4. Calls upon the Secretary-General of the United Nations Conference on Trade and Development:

(a) To undertake a process of consultations with all interested Governments on the feasibility of establishing an interregional trade finance mechanism among developing countries, allowing enough time for all parties concerned to reach their conclusions and decisions on this matter, and to report the results of this endeavour and his conclusions no later than the thirty-ninth session of the Board;

(b) To undertake consultations and collaboration with appropriate international and multilateral institutions to further refine and develop various aspects of an interregional trade finance facility;

5. Calls upon the secretariat of the United Nations Conference on Trade and Development to continue to assist developing countries in their efforts to strengthen and develop their national finance mechanisms through, as appropriate, studies, extension of expertise and technical assistance within its mandate. In this connection, the United Nations Development Programme and other funding institutions are invited to provide financial support to carry out such projects.

797th meeting
4 October 1991

396 (XXXVIII). Debt and development problems of developing countries*

The Trade and Development Board,

Reaffirming its resolution 388 (XXXVII) of 17 October 1990, and its resolution 165 (S-IX) of 11 March 1978,

Recalling the Final Act of the seventh session of the United Nations Conference on Trade and Development and General Assembly resolution 45/214 of 21 December 1990,

Recalling also the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, contained in the annex to General Assembly resolution S-18/3 of 1 May 1990, and especially paragraph 26 thereof,

Recognizing the importance of resources for development in the agenda for the eighth session of the United Nations Conference on Trade and Development,

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* For the statements of position on this resolution by the representative of the United States of America and by the spokesman for the Group of 77, see section III.B below.

Noting the progress made by some debtor countries, which have obtained debt and debt-service reductions in support of their own adjustment efforts, in stabilizing their economies and in enhancing their normal debtor-creditor relations,

Concerned that in many developing countries, especially the heavily indebted ones, the burden of debt and debt service constitutes one of the major obstacles to accelerated growth and sustainable development and to the eradication of poverty, despite often painful adjustment efforts on their part,

Convinced that, despite some recent upturn in resource flows, substantial new external financial resources are required by developing countries, in view of the huge development tasks ahead, especially the indispensable fight against poverty,

Welcoming the recent improvements in the debt strategy, which includes debt and debt-service reductions as a central element, notably:

(a) The application of the Houston terms by the Paris Club in favour of lower middle-income countries;

(b) The launching of the Enterprise for the Americas Initiative to enhance trade, increase investment and reduce bilateral debt in Latin America and the Caribbean;

(c) Substantial measures implemented or announced by creditor countries to cancel official development assistance debt;

(d) Additional debt and debt-service reduction packages agreed between debtor countries and commercial banks;

(e) The agreement reached at the London Economic Summit of the Group of Seven in July 1991 on the need for additional debt-relief measures in favour of low-income countries, which would go well beyond the relief already granted under the Toronto terms;

(f) The debt reductions agreed by the Paris Club in favour of Egypt and Poland;

Convinced that a wider, effective and expeditious implementation of the strengthened debt strategy for commercial debt is necessary,

Welcoming the proposals calling for the reduction or cancellation of official bilateral debt owed by least developed countries and other low-income countries adopting sound economic policies,

Noting the various proposals aimed at reducing commercial debt of developing countries at deep discounts, including proposals on the establishment of an international debt facility,

Noting the initial implementation of the strengthened arrears strategy by the Bretton Woods institutions,

1. Agrees that there is a need for continuing efforts, through the international debt strategy, both in the short and long run, with a view to promoting accelerated growth, sustainable development and a rapid return to creditworthiness in developing countries;

2. Agrees, in this context, to engage, at the eighth session of the United Nations Conference on Trade and Development, taking its role amid other relevant forums into account, in discussions on the progress in addressing international debt problems, with a common effort to foster, through greater mutual understanding and cooperation, a positive outcome in support of the dynamic reinforcement of the International Debt Strategy. These discussions will include, inter alia, the following:

(a) Appropriate support by industrialized countries, within the framework of international cooperation, for the adjustment efforts undertaken by developing countries to bring about a more favourable international economic environment conducive to non-inflationary growth and development by adopting an appropriate mix of fiscal and monetary policies conducive to a decline in interest rates; by promoting the stability of exchange markets, by facilitating adequate financing of adjustment programmes, by encouraging the flow of foreign direct investment and other non-debt-creating flows to developing countries; and by contributing, with all trading partners, to a timely and successful outcome of the Uruguay Round of multilateral trade negotiations that would result in the liberalization and expansion of world trade to the benefit of all countries, especially developing countries. In this context, particular attention will be given to appropriate new financial resources to developing countries, including an increase in aid efforts, in line with the economic declaration of the London Economic Summit of the Group of Seven;

(b) Continuation by debtor countries of the implementation of their growth-oriented adjustment and export diversification policies, including sound macro-economic and structural policies, measures to consolidate national savings, attract foreign direct investment and other non-debt-creating flows, and reverse capital flight, taking into account their priorities and the needs of the most vulnerable groups;

(c) Prompt implementation by the Paris Club of the economic declaration of the London Economic Summit of the Group of Seven on additional debt relief in favour of low-income countries, bearing in mind the various proposals put forward by some Governments concerning substantial debt reductions for these countries;

(d) Examination, in the relevant forums, of appropriate debt-relief measures in favour of heavily indebted middle-income countries, including, on a case-by-case basis, debt and debt-service reduction;

(e) More effective implementation of the strengthened debt strategy (Brady initiative) designed, inter alia, to extend, on an appropriate scale, to additional eligible countries the reduction of debt and debt service owed to commercial banks, with financial support from official sources, where appropriate. In this regard, multilateral institutions and creditor Governments are invited to continue to review intensively those aspects of their operating guidelines, and fiscal and regulatory provisions, that have a

bearing on debt and debt-service reductions, to ensure that they facilitate this process;

(f) Intensified efforts by all countries and multilateral financial institutions to implement fully and expeditiously the Programme of Action for the Least Developed Countries for the 1990s adopted by the Second United Nations Conference on the Least Developed Countries held in Paris in September 1990; 6/

(g) Consideration of appropriate support, including substantial new financing and/or debt reduction for low-income countries with substantial debt burdens which continue to service their debt and meet their international obligations at great cost;

(h) Implementation of the strengthened arrears strategy involving multilateral financial institutions, as well as broader issues, including the financial flows from these institutions to developing countries, bearing in mind the need to preserve the financial integrity of these multilateral financial institutions.

797th meeting
4 October 1991

B. DECISIONS

395 (XXXVIII). Export promotion: report of the Joint Advisory Group on the International Trade Centre UNCTAD/GATT on its twenty-fourth session

The Trade and Development Board

1. Takes note of the report of the Joint Advisory Group on the International Trade Centre UNCTAD/GATT on its twenty-fourth session; 7/

2. Welcomes the increase in the level of the International Trade Centre's operational activities over the period 1985-1990;

3. Welcomes the continued cooperation between the International Trade Centre, the United Nations Conference on Trade and Development and the General Agreement on Tariffs and Trade;

4. Pursuant to paragraph 6 of its decision 384 (XXXVII) and paragraph 1 (b) of General Assembly resolution 45/210 of 21 December 1990, invites the secretariat of the United Nations Conference on Trade and Development to make use of the information collected by and held in the International Trade Centre as well as the General Agreement on Tariffs and Trade and other relevant organizations for the purpose of facilitating the Conference's collection of data on environmental measures related to trade in the Trade Control Measures Information System, and to continue to make available on request information from the System.

797th meeting
4 October 1991

397 (XXXVIII). Review of the calendar of meetings

The Trade and Development Board

1. Takes note of the draft calendar of meetings for the remainder of 1991, 8/ adjusting the timing of the seventeenth special session of the Board to 2 to 13 December 1991;

2. Also takes note of the draft calendar of meetings for 1992 and the draft schedule of meetings for 1993, 9/ as indicative for planning purposes, on the understanding that they will be reviewed by the Informal Group on calendar matters, which will report to the consultative machinery established under Board decision 143 (XVI) and resolution 231 (XXII).

797th meeting
4 October 1991

C. Other action by the Board

1. Adoption of the report on credentials

(Agenda item 1 (c))

15. At its 797th meeting, on 4 October 1991, the Board adopted the report submitted by its Bureau on the credentials of representatives attending the session (TD/B/1307).

2. Provisional agenda for the second part of the thirty-eighth session of the Board

(Agenda item 1 (d))

16. At its 797th meeting, the Board approved the provisional agenda for the second part of its thirty-eighth session, as contained in TD/B/L.924 (see annex II below). In accordance with past practice, the Board authorized the Secretary-General of the United Nations Conference on Trade and Development, in consultation with the President, to adjust and complete the provisional agenda in the light of developments, in particular the eighth session of the United Nations Conference on Trade and Development. This arrangement was on the understanding that any amendments or additions would be subjected to consultations with the representatives of regional groups within the framework of the consultative machinery established by Board decision 143 (XVI) and Board resolution 231 (XXII). The Board also requested the Secretary-General of the United Nations Conference on Trade and Development to consult delegations regarding the organization of work of the session and to circulate his suggestions thereon.

3. Preparations for the eighth session of the United Nations Conference on Trade and Development

(Agenda item 6)

17. At its 797th meeting, the Board agreed that the first part of the seventeenth special session of the Board to prepare for the Conference should be held for two weeks from 2 to 13 December 1991.

18. The Board also agreed on the desirability of the Secretary-General of the United Nations Conference on Trade and Development initiating, in the period following the current session of the Board, and until the Ministerial Meeting of the Group of 77 at Teheran from 16 to 23 November 1991, an informal, non-binding, series of consultations that would exchange views focusing on expectations with regard to the eighth session of the United Nations Conference on Trade and Development, and also on institutional issues; and that the modalities for such consultations would be considered at a later stage.

4. Other matters requiring action by the Board arising from or related to reports and activities of its subsidiary and other bodies

(Agenda item 7)

19. At its 791st meeting, on 25 September 1991, the Board took the following action on the reports referred to it under agenda item 7:

Report of the Working Party on the Medium-term Plan and the Programme Budget (agenda item 7 (a))

The Board took note of the report of the Working Party on its twentieth session (TD/B/1295-TD/B/WP/73) and endorsed the agreed conclusions annexed thereto.

Report of the Committee on Transfer of Technology (agenda item 7 (b))

The Board took note of the report of the Committee on Transfer of Technology on its eighth session (TD/B/1298-TD/B/C.6/157) and endorsed the provisions of resolution 33 (VIII) annexed thereto.

Report of the Special Committee on Preferences (agenda item 7 (c))

The Board took note of the report of the Special Committee on Preferences on its eighteenth session (TD/B/1297-TD/B/C.5/140) and endorsed the provisions of resolution 13 (XVIII) and decision 14 (XVIII) annexed thereto.

Report of the Ad Hoc Review Meeting on Bauxite
(agenda item 7 (d))

The Board took note of the report of the Ad Hoc Review Meeting on Bauxite (TD/E/1296-TD/B/C.1/318-TD/B/C.1/RM/BAUXITE/4) and endorsed the decision annexed thereto, recommending that the Secretary-General of the United Nations Conference on Trade and Development convene a second Ad Hoc Review Meeting on Bauxite after the eighth session of the United Nations Conference on Trade and Development.

5. Other matters in the field of trade and development

(Agenda item 8)

Economic cooperation among developing countries: Financing of South-South trade (para. 4 (c) (iii) of resolution 4 (V) of the Committee on Economic Cooperation among Developing Countries) (agenda item 8 (a))

20. At its 797th meeting, the Board took note of the report by the secretariat entitled "Evaluation of performances and issues of trade financing in developing countries: the case for and the viability of an interregional facility" (TD/B/1300 and Corr.1) and of the studies contained in TD/B/1300/Supp.1 and Supp.2. The Board also took note of the report of the Expert Group on Trade Financing Mechanisms in and among Developing Countries (held at Geneva from 11 to 12 July 1991), which had been made available to the Board in TD/B(XXXVIII)/Misc.3.

21. At the same meeting, the Board adopted the draft resolution entitled "Economic cooperation among developing countries and problems of trade and trade financing", submitted by the Chairman of Sessional Committee II in TD/B(XXXVIII)/SC.2/L.3 (see sect. A above, resolution 394 (XXXVIII)).

Report of the Secretary-General of the United Nations Conference on Trade and Development in accordance with Conference resolution 137 (VI) concerning land-locked developing countries (agenda item 8 (b))

22. At its 797th meeting, the Board took note of the report by the secretariat of the Conference entitled "Progress in the implementation of specific action related to the particular needs and problems of land-locked developing countries (TD/B/1301 and Add.1-2).

Export promotion: report of the Joint Advisory Group on the International Trade Centre UNCTAD/GATT on its twenty-fourth session (agenda item 8 (c))

23. For the action on this sub-item, see decision 395 (XXXVIII) above.

Progressive development of the law of international trade: twenty-fourth annual report of the United Nations Commission on International Trade Law (agenda item 8 (d))

24. At its 791st meeting, the Board took note of the report of the United Nations Commission on International Trade Law on its twenty-fourth session (A/46/17), which was before the Board under cover of a note by the secretariat of the United Nations Conference on Trade and Development (TD/B/1303).

6. Treatment of new States members of the United Nations Conference on Trade and Development for purposes of elections

(Agenda item 9 (a))

25. At the 789th meeting, on behalf of the Board, the President congratulated the seven States which the General Assembly had admitted to membership in the United Nations on 17 September 1991 (two of which, the Democratic People's Republic of Korea and the Republic of Korea, were already members of the United Nations Conference on Trade and Development). The Board took note that the other five new members of the United Nations (Federated States of Micronesia; Republic of the Marshall Islands; Republic of Estonia; Republic of Latvia; and Republic of Lithuania) had, by virtue of their membership in the United Nations, automatically become members of the United Nations Conference on Trade and Development under the provisions of General Assembly resolution 1995 (XIX), thus bringing the membership of the United Nations Conference on Trade and Development to 171.

26. The President recalled that, also in accordance with General Assembly resolution 1995 (XIX) (sect. II, para. 6), the lists of States for purposes of elections, contained in the annex to that resolution, shall be reviewed periodically by the Conference in the light of changes in the membership of the Conference and other factors.

7. Announcement of any changes in the membership of the Board and election to membership of main Committees

(Agenda item 9 (b))

27. At its 789th meeting, the Board elected Dominica to membership of the Committee on Shipping, the Committee on Transfer of Technology, and the Committee on Economic Cooperation among Developing Countries; and Gabon to membership of the Committee on Transfer of Technology, and confirmed the membership of the Board and its main Committees as follows: Trade and Development Board - 130; Committee on Commodities - 106; Committee on Manufactures - 100; Committee on Invisibles and Financing related to Trade - 102; Committee on Shipping - 103; Committee on Transfer of Technology - 100; Committee on Economic Cooperation among Developing Countries - 110.

8. Membership of the Working Party on the Medium-term Plan and the Programme Budget for 1992

(Agenda item 9 (c))

28. At its 797th meeting, the Board decided that the membership of the Working Party on the Medium-term Plan and the Programme Budget for 1992 would consist of the following 19 States:

Argentina, Australia, Bulgaria, Brazil, China, Egypt, Germany, India, Japan, Nigeria, Norway, Peru, the Philippines, Poland, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America and Yugoslavia.

9. Designation of intergovernmental bodies for the purposes of rule 76 of the rules of procedure of the Board

(Agenda item 9 (d))

29. At its 797th meeting, the Board took note that there were no applications for status from intergovernmental organizations before the Board at the first part of its thirty-eighth session.

10. Designation and classification of non-governmental organizations for the purposes of rule 77 of the rules of procedure of the Board

(Agenda item 9 (e))

30. At its 797th meeting, the Board decided to designate and classify the following three non-governmental organizations for the purposes of rule 77 of the rules of procedure, as follows:

General category:

International Express Carriers Conference (IEEC) (document TD/B/R.61/Add.1); 10/

Liaison Committee of Development Non-governmental Organizations to the European Communities (document TD/B/R.61/Add.2); 10/

Special category (Committee on Shipping):

Institute of Chartered Shipbrokers (document TD/B/R.61/Add.3). 10/

31. The Board noted that the International Shipowners' Association (INSA), based in Gdynia, Poland, had been dissolved on 30 April 1991 and had therefore been deleted from the list of non-governmental organizations in status with the United Nations Conference on Trade and Development.

11. Review of the calendar of meetings

(Agenda item 9 (f))

32. For the action on this sub-item, see decision 397 (XXXVIII) above.

12. Administrative and financial implications of the actions of the Board

(Agenda item 9 (g))

33. No specific administrative or financial implications were submitted to the Board.

13. Other business

(Agenda item 10)

Draft convention on maritime liens and mortgages

34. At its 797th meeting, having noted that the provisions of resolution 66 (XIV) of the Committee on Shipping had now been endorsed by both the Trade and Development Board and the relevant bodies of the International Maritime Organization, the Board recommended to the General Assembly that it convene, within existing resources, a United Nations/IMO Conference of Plenipotentiaries on a draft convention on maritime liens and mortgages in the first half of 1993.

III. STATEMENTS MADE IN CONNECTION WITH RESOLUTIONS ADOPTED BY THE BOARD

A. Resolution 393 (XXXVIII): The contribution of the United Nations Conference on Trade and Development, within its mandate, to sustainable development

35. The representative of the United States of America observed that paragraph 7 of the resolution on sustainable development treated, inter alia, the topic of transfer of technology and the role of such transfers in promoting sustainable development. In his own free market-economy country, the creators and owners of technology were usually private individuals or firms. Domestic and international sales of such privately owned technology were, of necessity, on mutually agreed commercial terms.

B. Resolution 396 (XXXVIII): Debt and development problems of developing countries

36. The representative of the United States of America stated that the United States recognized the important efforts of developing countries to implement economic reforms aimed at sustainable economic growth and development. His country believed that appropriate support for such reforms was critical. In particular, the United States had in 1991 implemented debt reduction in support of economic reforms for a number of the poorest countries in Africa, Asia, and Latin America, as well as for Bolivia, Chile and Jamaica in the context of the Enterprise for the Americas Initiative. He emphasized, however, that the United States strongly believed that debt and related economic and financial issues were appropriately addressed by the international community in the IMF, the World Bank, and the Paris Club. The United States opposed a role for the United Nations Conference on Trade and Development in addressing or negotiating on these issues - or in suggesting priorities or setting out options on debt issues for these independent institutions. Consequently, the United States reserved its position on subparagraphs 2 (d), 2 (g) and 2 (h) of the resolution on debt. His country also wanted to clarify that, in the London Economic Summit declaration referred to in subparagraph 2 (c), the Group of Seven had recognized the need for additional debt relief, on a case-by-case basis, for the "poorest, most indebted" countries.

37. The spokesman for the Group of 77 (Sudan) stated that his Group was very surprised to have heard the statement of reservation just made by the delegation of the United States of America in relation to the resolution on debt and development problems of developing countries, since such practice had a negative impact on the collective resolve of the international community to face the eighth session of the United Nations Conference on Trade and Development with the required positive and constructive approach.

Notes

1/ See Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 15 (A/39/15), vol. II, sect. II.

2/ For the list of participants, see documents TD/B/(XXXVIII)/Misc.2 and Add.1 and 2.

3/ All texts were adopted, without a vote, at the 797th plenary meeting, on 4 October 1991.

4/ A/CONF.151/PC/48.

5/ TD/B/1304.

6/ A/CONF.147/Misc.9.

7/ ITC/AG/(XXIV)/128 and Add.1.

8/ TD/B/L.919 and Add.1.

9/ TD/B/L.919.

10/ Document now derestricted.

ANNEX I

Agenda of the first part of the thirty-eighth session of the Trade and Development Board a/

1. Procedural matters:

   (a) Election of officers;

   (b) Adoption of the agenda and organization of work of the session;

   (c) Adoption of the report on credentials;

   (d) Provisional agenda for the second part of the thirty-eighth session of the Board.

2. Interdependence of problems of trade, development finance and the international monetary system.

3. Debt and development problems of developing countries.

4. The contribution of the United Nations Conference on Trade and Development, within its mandate, to sustainable development (Board decision 384 (XXXVII)).

5. Assistance to the Palestinian people (Conference resolutions 146 (VI) and 169 (VII)).

6. Preparations for the eighth session of the United Nations Conference on Trade and Development.

7. Other matters requiring action by the Board arising from or related to reports and activities of its subsidiary and other bodies:

   (a) Report of the Working Party on the Medium-term Plan and the Programme Budget;

   (b) Report of the Committee on Transfer of Technology;

   (c) Report of the Special Committee on Preferences;

   (d) Report of the Ad Hoc Review Meeting on Bauxite.

8. Other matters in the field of trade and development:

   (a) Economic cooperation among developing countries:

   - Financing of South-South trade (para. 4 (c) (iii) of resolution 4 (V) of the Committee on Economic Cooperation among Developing Countries);

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a/ Adopted by the Board at its 789th meeting on 23 September 1991.

(b) Report of the Secretary-General of the United Nations Conference on Trade and Development in accordance with Conference resolution 137 (VI) concerning land-locked developing countries;

(c) Export promotion: report of the Joint Advisory Group on the International Trade Centre UNCTAD/GATT on its twenty-fourth session;

(d) Progressive development of the law of international trade: twenty-fourth annual report of the United Nations Commission on International Trade Law.

9. Institutional, organizational, administrative and related matters:

(a) Treatment of new States members of the United Nations Conference on Trade and Development for purposes of elections;

(b) Announcement of any changes in the membership of the Board and election to membership of main Committees;

(c) Membership of the Working Party on the Medium-term Plan and the Programme Budget for 1992;

(d) Designation of intergovernmental bodies for the purposes of rule 76 of the rules of procedure of the Board;

(e) Designation and classification of non-governmental organizations for the purposes of rule 77 of the rules of procedure of the Board;

(f) Review of the calendar of meetings;

(g) Administrative and financial implications of the actions of the Board.

10. Other business

- Draft convention on maritime liens and mortgages.

11. Adoption of the report of the Board.

ANNEX II

Provisional agenda of the second part of the thirty-eighth session of the Trade and Development Board

1. Procedural matters:

   (a) Adoption of the agenda and organization of the work of the session;

   (b) Adoption of the report on credentials;

   (c) Provisional agenda for the first part of the thirty-ninth regular session of the Board;

   (d) Designation of the President of the thirty-ninth regular session of the Board.

2. Follow-up of the recommendations adopted by the Conference at its eighth session.

3. Protectionism and structural adjustment and, in conjunction therewith, developments and issues of particular concern to developing countries in the Uruguay Round.

4. Services within the mandate of the United Nations Conference on Trade and Development (Board resolution 380 (XXXVI)).

5. Review of progress in the implementation of the Programme of Action for the Least Developed Countries for the 1990s.

6. Other matters in the field of trade and development:

   (a) Follow-up to General Assembly action on the United Nations Programme of Action for African Economic Recovery and Development 1986-1990

   [To be completed in the light of developments]

7. Other matters requiring action by the Board arising from or related to reports and activities of its subsidiary and other bodies.

8. Institutional, organizational, administrative and related matters:

   (a) Treatment of new States members of the United Nations Conference on Trade and Development for purposes of elections;

   (b) Announcement of any changes in the membership of the Board and election to membership of main Committees;

   (c) Designation of intergovernmental bodies for the purposes of rule 76 of the rules of procedure of the Board;

(d) Designation and classification of non-governmental bodies for the purposes of rule 77 of the rules of procedure of the Board;

(e) Review of the calendar of meetings;

(f) Administrative and financial implications of the actions of the Board.